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EXAMINER

TSUKERMAN, LARISA Z

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8/

Office Action Summary

Application No.

10/660,241

Applicant(s)

LERCH, OLIVER

Examiner

Larisa Z. Tsukerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment dt.02/28/06 and IDS dt.06/19/06.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>05/22/2006</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/19/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Claims 18 – 20 unintentionally withdrawn in the First Office Action are rejected on merits.

The indicated allowability of claims 6 and 7 is withdrawn in view of the published reference(s) Japanese Utility Model JP 3037182. Rejections based on the cited reference(s) follow.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06/19/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 19, 21, 36 - 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Utility Model JP 3037182.

In regard to claims 18, 19, 21, JP 3037182 discloses an electrical extension cord assembly for conducting AC power from an AC main electrical source to a corded electrical device, the electrical extension cord assembly comprising:

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an AC electrical cable (not marked, the cable connected to plug 3) having a first end and a second end;

an AC electrical plug 3 connected to the first end of the AC electrical cable for connection to the AC mains electrical source;

a housing 1 located proximate to the second end of the AC electrical cable;

a plug socket arrangement 4, 5 structurally mounted to the housing 1 and connected proximate to the second end of the AC electrical cable and suitable for electrically connecting to the corded electrical device (plugs for appliances); and

a battery pack charging assembly 2 structurally mounted to the housing 1 and connected proximate to the second end (left) of the AC electrical cable and suitable for charging the battery pack of cordless electrical devices.

In regard to claim 36, JP 3037182 discloses the battery charging assembly 2 is adapted to hold and charge a cordless electric power tool battery pack (not marked).

In regard to claim 37, JP 3037182 discloses the AC electrical cable, the AC electrical plug 3 and the plug socket arrangement 4, 5 are rated to be able to provide sufficient electrical power for the simultaneous operation of a plurality the corded electric power tools.

In regard to claims 38, JP 3037182 discloses the AC electrical cable, the AC electrical plug 3, and the plug socket arrangement 4, 5 are rated to carry electric power at the voltage of the AC mains electrical source.

In regard to claim 39, JP 3037182 discloses an electrical extension cord assembly for conducting AC power from an AC main electrical source to a

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plurality of corded electrical power tools and for charging the battery pack of a cordless electric power tool, the electrical extension cord assembly comprising:

an AC electrical cable having a first end and a second end;

an AC electrical plug 3 electrically connected to the AC electrical cable (not marked, connected with plug 3) at a location proximate to the first end the AC electrical plug connectable to the AC mains electrical source (not shown),

a plurality of electrical sockets 5 electrically connected to the AC electrical cable at a location proximate to the second end (not marked), the plurality of electrical sockets 5 connectable to the corded electrical power tools (intended use); and

a battery charger 2 electrically connected to the AC electrical cable (not marked) at a location proximate to the second end, the battery charger 2 adapted for charging the battery pack of the cordless electric power tool.

In regard to claim 40, JP 3037182 discloses a housing 1 located proximate to the second end of the AC electrical cable, and wherein the plurality of electrical sockets 5 and the battery charger 2 are located in the housing 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 5, 7 – 11, 17, 22 - 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Martensson (5923146).

In regard to claims 1, 5, 7, 10, 11, 22 – 24 and 26, JP 3037182 discloses an electrical extension lead, comprising a storage structure 1 and an electrical cable (not marked, connected to plug 3) having a first end (not marked) and a second end (not marked), having the first end connected to a plug socket arrangement 4, 5 mounted on the storage structure 1 and arrange for supplying electricity to electrical devices (plug 4 for appliances), and with the second end connected to an electrical plug 3 for connection to electrical supply sources (see Abstract), characterized in that a battery pack charging assembly 2 (also see a title) is also connected (electrically and mechanically) to the first end of the cable and mounted on the storage structure 1, which charging assembly 2 is suitable for charging battery packs for powering electrical devices (appliances through plug 4).

JP 3037182 does not disclose that the cable is stored by wrapping/coiled it around a storage structure and the storage structure connected to the housing. Martensson teaches a cable 313 is stored by wrapping it around the cylindrical hollow reel housing rotatably mounted on the housing (as required by present claims 5, 7, 10 and 21, 22, 23) 330, when is not in use; the storage structure 330 is rotatably mounted within an outer housing 304, 302, which outer housing 304, 302 is formed with a hole 395 through which the cable 313 is extendable. Martensson use this structure for more convenience way to store the long cable.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to wrap a cable in structure of JP 3037182, as taught by Martensson, in order to store a cable when it is not in use in more convenience and space saving way.

In regard to claim 2, JP 3037182 discloses that the plug socket arrangement 4, 5 and the battery pack charging assembly 2 are co-located (see Fig.).

In regard to claims 8 and 20, JP 3037182 discloses most of invention but silent if the plug socket arrangement 4, 5 is fitted within a first cover portion of the hollow structure and if the battery pack charging assembly 2 is fitted within a second cover portion at the opposite end of the hollow structure. Martensson teaches a well-known reel housing structure comprising a first cover portion 302 and a second cover portion 304.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to suggest that body 1 of JP 3037182 would be comprising of two cover portions 302 and 304, as taught by Martensson, and as a result of that modification the plug socket arrangement 4, 5 would be fitted within/on a first cover portion 303 of the hollow structure and the battery pack charging assembly 2 is fitted within a second cover portion 304 at the opposite end of the hollow structure, in order to assemble the claimed device and fix or replace parts when needed.

In regard to claims 9 and 26, JP 3037182 modified by Martensson, the second cover portion 304 includes a recess (not marked, area where pins 5a and

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5b are located, see Figs.4A-B), which recess extends within the hollow storage structure, and the battery charging assembly inherently includes a connector located within the recess.

In regard to claim 17, JP 3037182 discloses the electrical supply source is a main supply source, as claimed (see abstract).

Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Comini (6604957).

In regard to claim 12, Japanese Utility Model JP 3037182 discloses battery pack charging assembly 2 that inherently comprises a receptacle assembly for receiving a battery pack (not shown), which receptacle assembly comprises a receptacle housing (not marked, outer body of assembly 2). However, Japanese Utility Model JP 3037182 is silent if a flexible gasket disposed between the receptacle housing and a portion of the storage structure. Comini teaches a flexible gasket 5 disposed between the housing and a portion of the solenoid in order to protect an inner circuit from environment conditions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a gasket 5, as taught by Comini, in structure of Japanese Utility Model JP 3037182 in order to protect an inner circuit (not shown) from environment conditions.

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In regard to claim 13, Japanese Utility Model JP 3037182, when modified by Comini, discloses at least one retainer 6 disposed on the storage structure to prevent disengagement of the gasket.

In regard to claim 16, Japanese Utility Model JP 3037182 inherently including a battery charger circuit mounted on the receptacle housing (as part of the battery pack charging assembly 2).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Hill (4466581).

In regard to claim 25, Japanese Utility Model JP 3037182 include most of invention, except for the housing includes a lifting handle. Hill teaches a housing includes a lifting handle 17 in order to lift a reel 10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle, as taught by Hill, in structure of Japanese Utility Model JP 3037182 in order to lift and carry the reel.

Claims 27 – 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 and Martenson (5923146), as applied to claim 26, and further in view of Moon et al. (2005/0017117).

In regard to claims 27 – 29 and 31, Japanese Utility Model JP 3037182 include most of invention, except for the housing includes comprising a door mounted to the housing and movable between an open position, wherein the

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recess is open for access, and a closed position wherein the recess is closed.

Moon et al. teach a door 48 mounted to the housing 14 and movable between an open position, wherein the recess 60 is open for access, and a closed position wherein the recess 60 is closed; as required by present claim 28, the door 48 is pivotably attached to the housing 14 for movement between the open position and the closed position; as required by present claim 29, a latch holding a door in the closed position; as required by present claim 31, the door 48 is in the closed position then the door 48 and the housing 14 further define the recess 60, and the recess 60 as defined by the housing and the door in the closed position is dimensioned to be able to hold a power tool battery.

Moon et al. disclose the door 48 to protect the battery circuit/recess from the environmental factors. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the door 48 mounted to the housing 14 and movable between the open position, wherein the recess 60 is open for access, and a closed position wherein the recess 60 is closed in structure of Japanese Utility Model JP 3037182, as taught by Moon et al., in order to protect the battery circuit from the environmental factors.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182, Martenson (5923146) and Moon et al. (2005/0017117), as applied to claim 27 above, and further in view of Comini (6604957).

In regard to claim 30, Japanese Utility Model JP 3037182 modified by Martenson and Moon et al. include most of invention, except for a gasket

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attached to one of the housing and the door for sealing a joint between the door and the housing when the door is in the closed position. Comini teaches a flexible gasket 5 disposed between the housing and a portion of solenoid in order to protect an inner circuit from environmental conditions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the gasket 5, in structure of Japanese Utility Model JP 3037182, as taught by Comini, in order to protect the battery circuit from the environmental conditions.

Claims 32 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Liautaud et al. (4558270)

In regard to claims 32, 33, Japanese Utility Model JP 3037182 disclose most of the invention, except it is not clear if the housing 1 includes outer portion and an inner portion, and the battery charging assembly 2 is mounted to the inner portion. Liautaud et al. show a housing which comprising outer portion 11 and an inner portion 70, and how the battery charging assembly 83, 80 is mounted to the inner portion 70; and, as required by claim 33, the inner portion 70 of the housing 11 is flexibly connected to the outer portion by a resilient shock absorber 74 (as required by claim 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have same structure of housing comprising both outer and inner portions in Japanese Utility Model JP 3037182, as show by Liautaud et al., in order to attach the battery charging assembly to the electrical extension cord assembly in the way to reduce damping.

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Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 and Liautaud et al. (4558270), as applied to claims 32 -34 above, and further in view of Fencle et al. (5866076).

In regard to claim 35, Utility Model JP 3037182 and Liautaud et al. include most of invention, except for the shock absorber is a flexible gasket

Fencle et al. teach both a gasket 400 and a spring 512 as a shock absorber and vibration damper, as alternative equivalents. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute one with another.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06/19/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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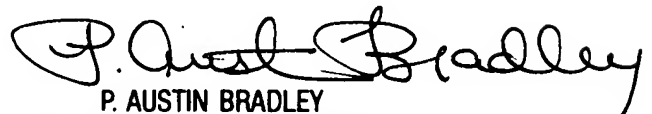
the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larisa Z. Tsukerman whose telephone number is (571)-272-2015. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571)-272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT, 06/23/2006


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